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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/998,367

11/29/2001

Jerry Lahti

552.121US01

6955

7590 09/14/2007
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EXAMINER

MAUNG, ZARNI

ART UNIT

PAPER NUMBER

2151

MAIL DATE

DELIVERY MODE

09/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

MN

Office Action Summary	Application No.		Applicant(s)	
	09/998,367		LAHTI, JERRY	
	Examiner		Art Unit	
	Zarni Maung		2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-45 and 47-50 is/are allowed.
- 6) ☒ Claim(s) 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This action is responsive to the remarks filed on June 14, 2007. Claims 1-50 are presented for further examination.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 46 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 46 is not limited to tangible embodiments. The claim calls for "a data signal embodied in a carrier wave..". In view of Applicant's disclosure, specification page 8, line s 4-6 states "The provisioning server transmits a data signal embodied in a carrier wave readable by a mobile terminal", the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., [FIG. 2 illustrates another exemplary embodiment of a network system 200 employing the application identification provisioning and access in accordance with the principles of the present invention....]) and intangible embodiments (e.g., [data signal embodied in a carrier wave]). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

To overcome this type of 101 rejection, the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. For the specification at the bottom, carrier medium and transmission media would be not statutory but storage media would be statutory.

Claims 1-45 and 47-50 are allowable over the prior art of record.

As argued by the applicant in the remarks filed on June 14, 2007, the prior art of record fails to teach each and every limitations recited in claims 1-45 and 47-50. Specifically, the prior art of record fails to teach the apparatus and method for facilitating mobile terminal access to a network application that is hosted by a plurality of application servers on a network, comprising: embedding an application identifier corresponding to the network application, and associated application access parameters including an application server address of one of the plurality of applications servers, into provisioning information; and transferring the provisioning information to at least one mobile terminal in connection with a provisioning procedure associated with establishing basic network connectivity for the at least one mobile terminal; and provisioning the mobile terminal to facilitate access to the network application via the application server.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (571) 272-3939. The Examiner can normally be reached on Monday-Friday from 8:30 to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Valencia Martin-Wallace can be reached at (571) 272-3440. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published

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application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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Hand carried or delivered to:

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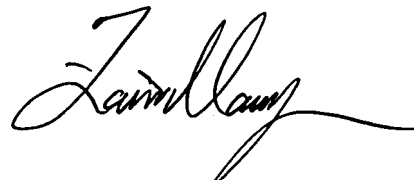
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Faxed to the Central Fax Office:

(571) 273-8300 (New Central Fax No.)

Or Telephone

(571) 272-2100 for TC 2100 Customer Service Office.

A handwritten signature in black ink, appearing to read 'Zarni Maung', with a stylized, flowing script.

**ZARNI MAUNG
PRIMARY EXAMINER**